

From: Phil Mendelsohn
To: Microsoft ATR
Date: 12/11/01 8:36am
Subject: Microsoft Settlement

I would like to comment upon the settlement of the Microsoft anti-trust suit.

I believe the proposed agreement is not binding enough, especially when Microsoft has shown in the past that they are likely to either bend or disregard the rules of any restrictions put against them.

Specifically, the area of greatest concern is that section III(J)(2) provides that Microsoft need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..."

There is absolutely no reason why Microsoft, the guilty party, should be the judge of whose business meets or doesn't meet some criteria of being a business. This is truly giving the fox the keys to the hen house.

Furthermore, and most importantly, there exists some very important software that is created by other than for-profit organizations, including the U.S. Government and its agencies. While trying to protect themselves from revealing source code to hobbyists or their own competition, the language here would provide an opening to prevent legitimate and serious public software creators, such as N.A.S.A., from qualifying to get a license allowing them access to the API or documentation in order to do their jobs.

Also, in section III(D), when the groups Microsoft have to disclose information to for said groups products to interoperate with Windows are listed, all are considered as for-profit companies only.

By not allowing for a person or foundation to put a product that interoperates with Microsoft's products on the market for philanthropic or whatever reasons, this proposal limits the market in ways that are not in keeping with the intent of anti-trust law. Microsoft is trying to avoid the commoditization of their product, plain and simple, by holding the market hostage. And they will continue to do so, as long as people don't have the freedom to ignore them.

Microsoft is supposed to be ordered to compete fairly. This agreement lets them avoid competition from other than the profit based sector, a

luxury that no other manufacturer enjoys.

Sincerely,
Phil Mendelsohn
143 Bates Ave.
St. Paul, MN 55106